

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BULK LIQUID TRANSPORT, LLC, a
Kentucky limited liability company, and
**LAWRENCE ECONOMIC
DEVELOPMENT CORPORATION**, an
Ohio non-profit corporation,

Case No.
Hon.

Plaintiffs,

Lower Ct. Case No. 17OC000448
Hon. Charles Cooper

v

SENECA INSURANCE COMPANY, INC.,
a New York corporation, and
CUNNINGHAM LINDSAY U.S., INC., a
Texas corporation,

Defendants.

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NOTICE OF REMOVAL BASED ON DIVERSITY OF CITIZENSHIP

NOW COMES Defendant, Seneca Insurance Company, Inc. (“Seneca”), by and through its attorneys, Gregory and Meyer, P.C., and pursuant to 28 U.S.C.A §§ 1441, 1446, hereby files this Notice of Removal of a cause of action filed in the Court of Common Pleas for Lawrence County, Ohio entitled, *Bulk Liquid Transport, LLC, a Kentucky limited liability company, and Lawrence Economic Development Corporation, an Ohio non-profit corporation v. Seneca Insurance Company, a New York corporation and Cunningham Lindsay, U.S., Inc., a Texas corporation*, Case No. 17OC000448 and states:

1. This action was commenced in the Court of Common Pleas for Lawrence County, Ohio on June 15, 2017 and process as well as the initial pleading setting forth the claim for relief upon which the action is based, was first served on Defendant *Seneca Insurance Company, Inc.* on June 22, 2016 (see Summons and Complaint).

2. The action is a civil action for alleged breach of contract, bad faith, statutory violations, and requests compensatory and punitive damages and, pursuant to 28 U.S.C. §2201, 28 U.S.C.A §1332(a)(1) and Rule 57 of the Federal Rules of Civil Procedure, this Court has original jurisdiction over the matter.

3. Co-Defendant Cunningham Lindsay U.S., Inc., through its counsel, has consented to the removal on July 19, 2017. (**Exhibit 2**, Email regarding Removal consent)

4. There exists complete diversity of citizenship of the parties. Upon information and belief, Bulk Liquid Transport, LLC, was a Kentucky limited liability company which was dissolved in 2016 and whose sole member, Daniel Kessler, is a resident of the State of Florida; Lawrence Economic Development Corporation, is incorporated in the State of Ohio with its principal place of business in the State of Ohio; Seneca Insurance Company, Inc., is incorporated in the State of New York with its principal place of business in the State of New York; and Cunningham Lindsay, U.S., Inc., is a Texas corporation with its principal place of business in the State of Texas. (See Summons and Complaint and **Exhibit 1**, Examination Under Oath Transcript of Daniel Kessler pp 4, 7-8)

5. The amount in controversy is in excess of \$75,000 based upon the allegations in the Complaint. (See Complaint, p 15, ¶ 71)

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1332 because this is a civil action in which the amount in controversy exceeds the sum of \$75,000.00,

exclusive of costs and interests, and Plaintiffs and Defendants are citizens of different states.

(See Complaint and **Exhibit 1**)

7. No previous application has been made for the relief requested herein.

8. A copy of all process, pleadings, and orders served upon Seneca, as well as a Proof of Service of written notice of this Notice of Removal to all parties and a copy of same being filed with the clerk of the Court of Common Pleas for Lawrence County, Ohio, are being filed with this notice as required by 28 USC §1446(a) and (d).

WHEREFORE, Defendant, Seneca Insurance Company, Inc., respectfully requests that this action be removed from the Court of Common Pleas for Lawrence County, Ohio to the United States District Court for the Southern District of Ohio, and that this Court assume jurisdiction of this action and make such further orders as may be required to properly determine this controversy.

s/ Kurt D. Meyer

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Dated: July 20, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2017, I electronically filed the foregoing *Notice of Removal Based on Diversity of Citizenship* with the Clerk of the Court using the ECF system, and I hereby certify that I have mailed by United States Postal Service the foregoing paper to the following:

Charles K. Gould, Esq.
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Attorney for Plaintiff

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*Attorney for Defendant Cunningham
Lindsay U.S., Inc.*

Clerk of Courts
**Lawrence County Court of Common
Pleas**
111 South 4th Street #11
Ironton, OH 45638

s/ Kurt D. Meyer

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